THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.2255 OF 2002

DATED:17.2.2006

Between:

Kagolanu Prasunamma

…Petitioner

And

The District Collector,

Prakasam District, Ongole and

others

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.2255 OF 2002

ORDER:

The petitioner is resident of Chirrikurapadu Village, Jarugumalli Mandal, Prakasham District. She was assigned land admeasuring Ac.0.80 cents in S.No.337/2 of said Village in 1976. On 23.1.2002 the third respondent issued a notice to the petitioner requiring her to appear before him on 28.1.2002 in connection with an enquiry into the representations given by the Sarpanch of the Gram Panchayat and other villagers. Be it noted, as per the show cause notice the representations were made

to cancel the assignment made in favour of the petitioners as the land assigned to her forms part of cart way for farmers. The petitioner sent a representation on 25.1.2002 requesting the third respondent to furnish copies of representations made by Sarpanch and Villagers. Be that as it is, the Mandal Revenue Officer passed impugned order on 25.1.2002 preserving the land admeasuring Ac.0.80 cents in S.No.337/2 as rastha for the convenience of the villagers. Aggrieved by the same, present Writ Petition is filed.

Though interlocutory matters are listed before this Court, the matter was heard finally.

As rightly pointed out by the learned counsel for the petitioner Sri B.V.Krishna Rao, the petitioner was given time till 28.1.2002 to appear before third respondent. Even before she could appear on that day, impugned order was passed on 25.1.2002. It is no doubt true that the provision of rastha or pathway for villagers to go to their lands may have the superior consideration before the Mandal Revenue Officer over the right of the petitioner to continue to be in possession of the assigned land. The same, however, does not mean that the petitioner can be deprived of her land without following due process of law. In this case the petitioner was not given any opportunity to make representation. On this ground alone, the Writ Petition is allowed. It shall however be open to third respondent to take necessary action in accordance with law after giving notice to petitioner, and to assign alternative land to her, if she is eligible.

The Writ Petition is accordingly allowed. No costs.

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17.2.2006 (V.V.S.RAO, J)

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